

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:04CV145

In the Matter of Arbitration between)
)
THE FELDSPAR CORPORATION,)
)
)
Petitioner,)
)
)
Vs.)
)
UNITED MINE WORKERS OF)
AMERICA, LOCAL 140,)
)
)
Respondent.)
)

ORDER OF REMAND

For the reasons set forth in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the

Petitioner's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**;
the Opinion and Award of the Arbitrator is **VACATED**, and this matter is hereby **REMANDED**
for a new arbitration proceeding before a new arbitrator mutually agreed upon by the parties.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Respondent's
motion for summary judgment is **DENIED**.

Signed: September 2, 2005



Lacy H. Thornburg
United States District Judge

